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PATENT
Attorney Docket No. ADI-074
(257/40)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Berger et al.

PATENT NO.: 6,817,112

ISSUE DATE: November 16, 2004 ASSIGNEE: adidas International B.V.

TITLE: Climate Configurable Sole and Shoe

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Mail Stop Certificate of Corrections Branch Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 26th day of January, 2005.



Elizabeth Pitula

Mail Stop Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are:

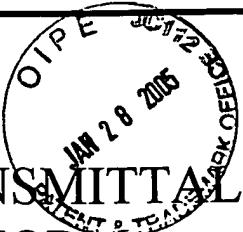
1. Transmittal Form (1 pg.);
2. Request for Certificate of Correction (14 pgs.);
3. Certificate of Correction and Formal Drawings (in duplicate)(20 pgs. total); and
4. Return receipt postcard.

Certificate
FEB 03 2005
of Correction

3170151

4 FEB 2005

**TRANSMITTAL
FORM**



| | |
|---------------------------|-------------------|
| Application Serial Number | 09/915,216 |
| Filing Date | July 25, 2001 |
| First Named Inventor | Berger |
| Group Art Unit | 3728 |
| Examiner Name | A.D. Stashick |
| Attorney Docket No. | ADI-074 |
| Patent No. | 6,817,112 |
| Issue Date | November 16, 2004 |

ENCLOSURES (check all that apply)

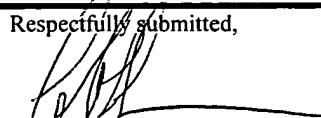
| | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"> <input type="checkbox"/> Check Attached <input type="checkbox"/> Copy of Fee Transmittal Form | <input type="checkbox"/> Copy of Notice to File Missing Parts of Application | <input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences |
| <input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"> <input type="checkbox"/> Preliminary After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____] | <input type="checkbox"/> Formal Drawing(s) | <input type="checkbox"/> Appeal Brief (in triplicate) |
| <input type="checkbox"/> Petition for Extension of Time | <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal | <input type="checkbox"/> Status Inquiry |
| <input type="checkbox"/> Information Disclosure Statement <ul style="list-style-type: none"> <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations | <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers) | <input checked="" type="checkbox"/> Return Receipt Postcard |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 |
| <input type="checkbox"/> Sequence Listing submission <ul style="list-style-type: none"> <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above | <input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application | <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 |
| | <input type="checkbox"/> Small Entity Statement | <input type="checkbox"/> Additional Enclosure(s) (please identify below) |
| | <input type="checkbox"/> CD(s) for large table or computer program | |
| | <input type="checkbox"/> Amendment After Allowance | |
| | <input checked="" type="checkbox"/> Request for Certificate of Correction | |
| | <input checked="" type="checkbox"/> Certificate of Correction and Formal Drawings (in duplicate) | |

CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator
 Testa, Hurwitz & Thibeault, LLP
 125 High Street
 Boston, MA 02110
 Tel. No.: (617) 248-7000
 Fax No.: (617) 248-7100

SIGNATURE BLOCK

Date: January 26, 2005
 Reg. No. 51,842
 Tel. No.: (617) 310-8671
 Fax No.: (617) 248-7100

Respectfully submitted,

 Andrew L. Jagenow
 Attorney for Applicant
 Testa, Hurwitz & Thibeault, LLP
 125 High Street
 Boston, MA 02110

PATENT
Atty. Docket No: ADI-074
(257/40)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S): Berger et al.

PATENT NUMBER: 6,817,112

ISSUE DATE: November 16, 2004 ASSIGNEE: adidas International B.V.

TITLE: Climate Configurable Sole and Shoe

Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION UNDER
35 U.S.C. § 254 and 37 C.F.R. § 1.322**

The Assignee of record of the above-referenced patent, adidas International B.V., hereby requests that a Certificate of Correction be issued for U.S. Patent No. 6,817,112 under 35 U.S.C. § 254 and 37 C.F.R. § 1.322. Errors are present in the following sections of the issued patent: Foreign Application Priority Data, U.S. Patent Documents, Foreign Patent Documents, and Figures. The Assignee believes that these errors warrant issuance of a Certificate of Correction.

On the cover page, in the Foreign Application Priority Data, "100 36 100" should be deleted and replaced with --100 36 100.5--. A copy of the Updated Filing Receipt, dated November 6, 2001, is attached as Exhibit A. The correct priority document data has been highlighted. Accordingly, Assignee respectfully requests correction pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322.

Request for Certificate of Correction

U.S. Patent No. 6,817,112

Page 2

On the cover page, in the U.S. Patent Documents section, please add the following U.S. patents references that were considered during prosecution of the application:

| | | |
|-----------|---------|----------------|
| 905,617 | 12/1908 | Wood |
| 2,408,792 | 10/1946 | Margolin |
| 2,474,815 | 07/1949 | Brahm |
| 3,273,265 | 09/1966 | Reinert et al. |
| 5,400,526 | 03/1995 | Sessa |
| 5,675,914 | 10/1997 | Cintron |
| 6,041,518 | 03/2000 | Polycarpe |
| 6,389,711 | 05/2002 | Polegato |
| 6,401,364 | 06/2002 | Burt |
| 6,446,359 | 09/2002 | Tomat |

These references were cited by the Examiner, in Paper No. 8, during prosecution of the application that matured into U.S. Patent No. 6,817,112. A copy of Form PTO-892, a part of Paper No. 8, is attached as Exhibit B. Every reference cited was omitted from the issued patent. Accordingly, Assignee respectfully requests correction pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322.

On the cover page, in the Foreign Patent Documents section, please delete the reference "0350 511 B1" and replace with --0350 611 B1--. All other information regarding that reference is correct. This reference was submitted in the Fourth Supplemental Information Disclosure Statement and subsequently considered by the Examiner on January 23, 2004. A copy of the initialed Form PTO-1449 is attached as Exhibit C. The incorrectly identified reference has been highlighted. Accordingly, Assignee respectfully requests correction pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322.

U.S. Patent No. 6,817,112 issued with informal drawings. The formal drawings were filed on October 11, 2001. A copy of the return receipt postcard stamped by the Patent Office is attached as Exhibit D. Copies of the formal drawings are included with the PTO Form 1050.

A computer-generated copy of PTO Form 1050 is enclosed and corrects the errors appearing in the above-referenced Letters Patent.

Assignee believes that the errors detailed above represent Patent Office mistakes correctable pursuant to 35 U.S.C. § 254 and 37 C.F.R. § 1.322. Accordingly, Assignee urges the Commissioner to issue a Certificate of Correction for U.S. Patent No. 6,817,112 reflecting the corrections as they appear on the enclosed PTO Form 1050.

Assignee believes that no fee is required, as the errors are due to Patent Office mistakes. Should this belief be in error, please charge any additional fees to deposit account number 20-0531.

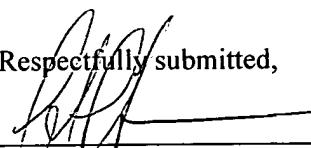
The PTO Form 1050 is submitted in duplicate.

The Patent Office is invited to call the undersigned representative with any questions concerning the submission.

Date: January 26, 2005
Reg. No.: 51,842

Tel. No.: (617) 310-8671
Fax No.: (617) 248-7100

Respectfully submitted,



Andrew L. Jagenow
Attorney for Assignee
Testa, Hurwitz & Thibeault, LLP
125 High Street
Boston, Massachusetts 02110

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|---------------------|----------|------------|------------|
| 09/915,216 | 07/25/2001 | 3728 | 996 | ADI-074 (257/40) | 9 | 27 | 2 |

CONFIRMATION NO. 5641

UPDATED FILING RECEIPT



OC000000007030541

021323
TESTA, HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

TESTA, HURWITZ & THIBEAULT, LLP

Date Mailed: 11/06/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Christoph Berger, Egloffstein, GERMANY;
Gerd Rainer Manz, Weisendorf, GERMANY;

COPY

Domestic Priority data as claimed by applicant

Foreign Applications

GERMANY 10036100.5 07/25/2000

If Required, Foreign Filing License Granted 09/14/2001

Projected Publication Date: 02/14/2002

No Docketing Necessary

Non-Publication Request: No

KM
Administrator

11-13-01
Date

Early Publication Request: No

Reviewed & Approved

Title

Climate configurable sole and shoe

JV
Rep. Atty

11/15/01
Date

Preliminary Class

036

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Exhibit B

Notice of References Cited

Application/Control No.

09/915,216

Applicant(s)/Patent Under

Reexamination

BERGER ET AL.

Examiner

Anthony D Stashick

Art Unit

3728

Page 1 of 1

U.S. PATENT DOCUMENTS

| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|--|-----------------|--------------------|----------------|
| A | US-6,041,518 | 03-2000 | Polycarpe, Phito | 36/3A |
| B | US-6,389,711 | 05-2002 | Polegato, Mario | 36/3B |
| C | US-5,675,914 | 10-1997 | Cintron, Arthur G. | 36/29 |
| D | US-6,401,364 | 06-2002 | Burt, Igor | 36/3A |
| E | US-2,474,815 | 07-1949 | Brahm | 36/3B |
| F | US-6,446,359 | 09-2002 | Tomat, Andrea | 36/28 |
| G | US-3,273,265 | 09-1966 | Reinert et al. | 36/28 |
| H | US-905,617 | 12-1908 | Wood | 36/3B |
| I | US-2,408,792 | 10-1946 | Margolin | 36/3B |
| J | US-5,400,526 | 03-1995 | Sessa, Raymond V. | 36/3B |
| K | US- | | | |
| L | US- | | | |
| M | US- | | | |

FOREIGN PATENT DOCUMENTS

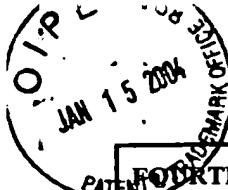
| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | Classification |
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NON-PATENT DOCUMENTS

| | |
|---|---|
| * | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
| U | |
| V | |
| W | |
| X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Exhibit C



FOURTH SUPPLEMENTAL FORM PTO - 1449
INFORMATION DISCLOSURE STATEMENT

COPY

ATTORNEY DOCKET NO.: ADI-074 (257/40)

APPLICANTS: Berger et al.

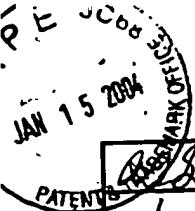
SERIAL NO.: 09/915,216

FILING DATE: July 25, 2001 GROUP: 3728

U.S. PATENT DOCUMENTS

| EXAM. INIT. | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE |
|----------------|-----|--------------------|------------|----------------------|-------|--------------|-------------------------------|
| <i>A63</i> | A63 | 41,879 | 03/08/1864 | Webb | | | |
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TECHNOLOGY CENTER R3700
JAN 20 2004
QENEC



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| A105 | 6,032,388 | 03/07/00 | Fram | | | | | | |
| A106 | 6,041,519 | 03/28/00 | Cheng | | | | | | |
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FOREIGN PATENT DOCUMENTS

| EXAM. INIT. | | DOCUMENT NUMBER | DATE | COUNTRY CODE | CLAS S | SUB CLASS | FILING DATE | ABSTRACT ONLY | ENGLISH LANG (Y/N) |
|----------------|-----|--------------------|------|-----------------|-----------|--------------|----------------|------------------|--------------------------|
| <i>ADS</i> | B15 | G 9208 875.9 | | DE | | | | No | Yes |
| | B16 | 199 37 334 | | DE | | | | Yes | Yes |
| | B17 | 41 28 704 | | DE | | | | Yes | Yes |
| <i>ADS</i> | B18 | 0350 611 B1 | | EP | | | | Yes | Yes |

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 OPENED
 JAN 20 2004
 INCORPORATED CENTER R3700

O.I.P.
JAN 15 2004
PATENT & TRADEMARK OFFICE

| | | | | | | | | | | |
|------------|-----|-------------|--|----|---|---|---|---|-----|-----|
| <i>108</i> | B19 | 0857 433 A2 | | EP | / | / | / | / | Yes | Yes |
| <i>108</i> | B20 | 0927 524 A1 | | EP | / | / | / | / | No | Yes |
| <i>108</i> | B21 | 94/06317 | | WO | / | / | / | / | No | Yes |

OTHER ART, JOURNAL ARTICLES, ETC.

| | |
|----------------|--|
| EXAM. INIT. | OTHER DOCUMENTS: (Including Author, Title, Date, Relevant Pages, Place of Publication) |
| | |

| | | | |
|----------|------------------------|-----------------|----------------|
| EXAMINER | <i>Anthony Blasink</i> | DATE CONSIDERED | <i>1/23/04</i> |
|----------|------------------------|-----------------|----------------|

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JAN 20 2004
TECHNOLOGY CENTER R37C

Exhibit D

ADI-074
(257/40)

The "RECEIVED" stamp of the Patent Office imprinted hereon
acknowledges the filing of: Transmittal Form (1 pg.); Fee Transmittal Form (1
pg.); and a check in the amount of \$996.00; Copy of Notice to File Missing Parts (2
pg.); Executed Declaration and Power of Attorney (6 pgs.); Formal Drawings (9
pgs.); and this return receipt postcard all mailed under Certificate of First Class
Mailing

Name of Applicant: Berger et al.

Intf. or Serial Number: 09/915,216

Atty: JVForcier

Date: October 11, 2001

2188926



COPY

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,817,112
DATED : November 16, 2004
INVENTOR(S) : Berger et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, in the Foreign Application Priority Data, delete "100 36 100" and replace with --100 36 100.5--.

On the cover page, in the U.S. Patent Documents section, add the following U.S. patents references:

| | | |
|-----------|---------|----------------|
| 905,617 | 12/1908 | Wood |
| 2,408,792 | 10/1946 | Margolin |
| 2,474,815 | 07/1949 | Brahm |
| 3,273,265 | 09/1966 | Reinert et al. |
| 5,400,526 | 03/1995 | Sessa |
| 5,675,914 | 10/1997 | Cintron |
| 6,041,518 | 03/2000 | Polycarpe |
| 6,389,711 | 05/2002 | Polegato |
| 6,401,364 | 06/2002 | Burt |
| 6,446,359 | 09/2002 | Tomat |

On the cover page, in the Foreign Patent Documents section, delete the reference "0350 511 B1" and replace with --0350 611 B1--.

In the drawings, replace the published informal drawings with the attached nine sheets of formal drawings.

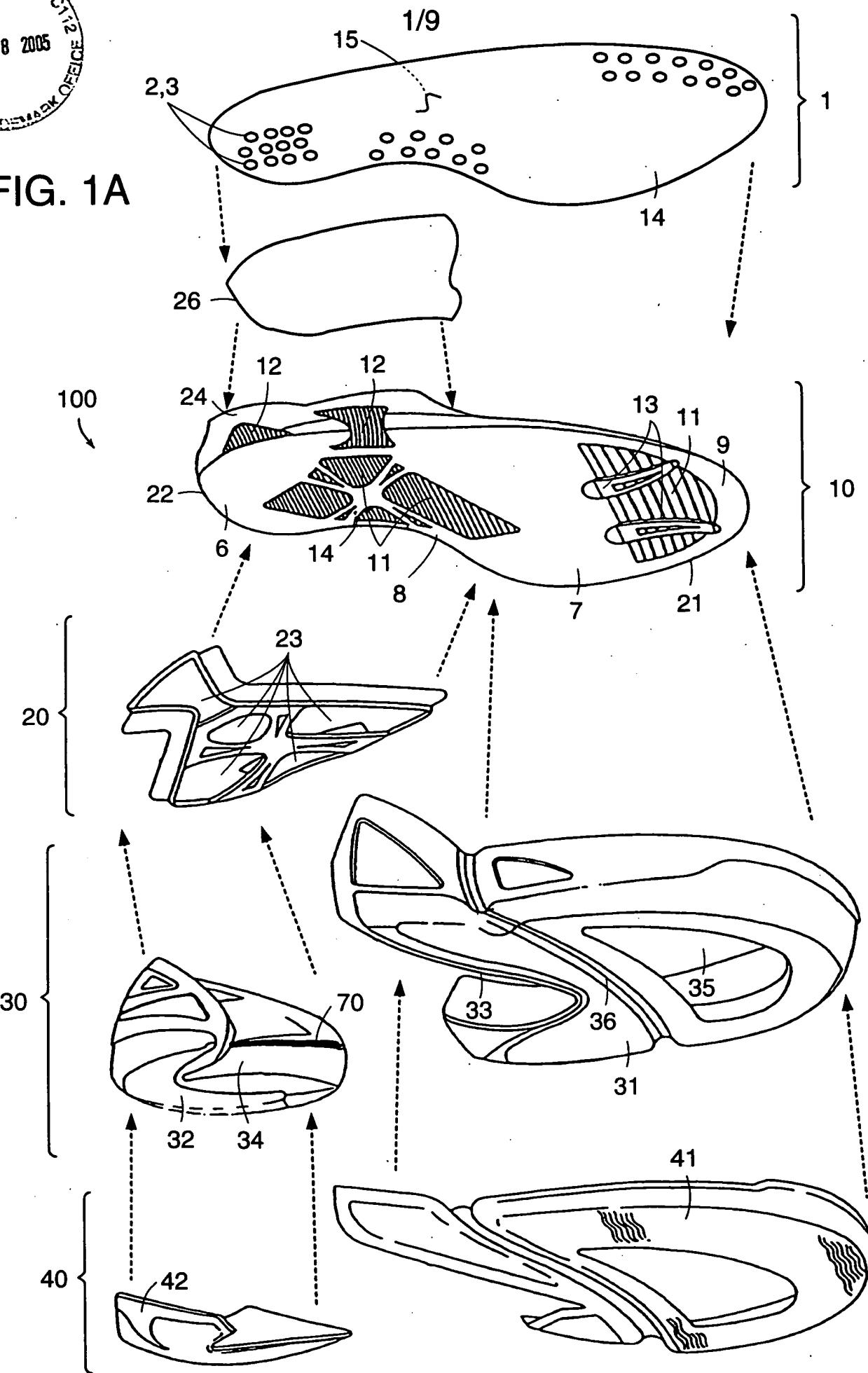
MAILING ADDRESS OF SENDER: Patent Administrator PATENT NO.: 6,817,112
Testa, Hurwitz & Thibeault, LLP
125 High Street
Boston, MA 02110
(617) 248-7000

3170125_1

4 FEB 2005



FIG. 1A



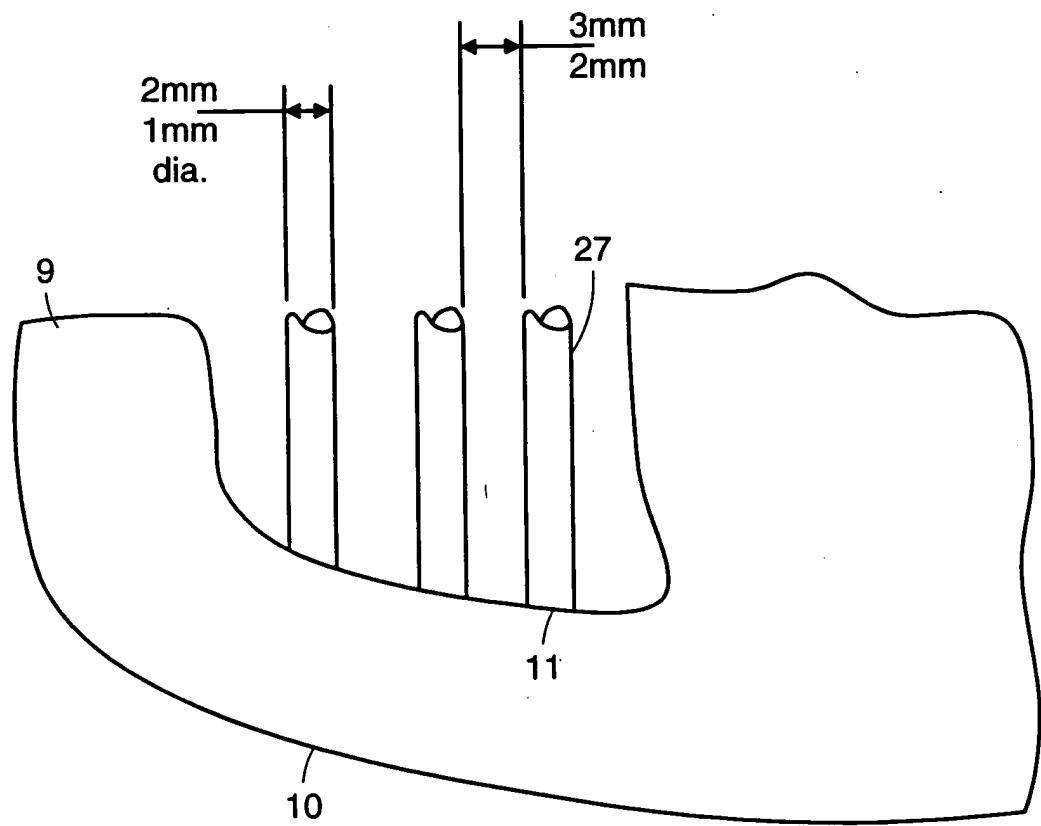
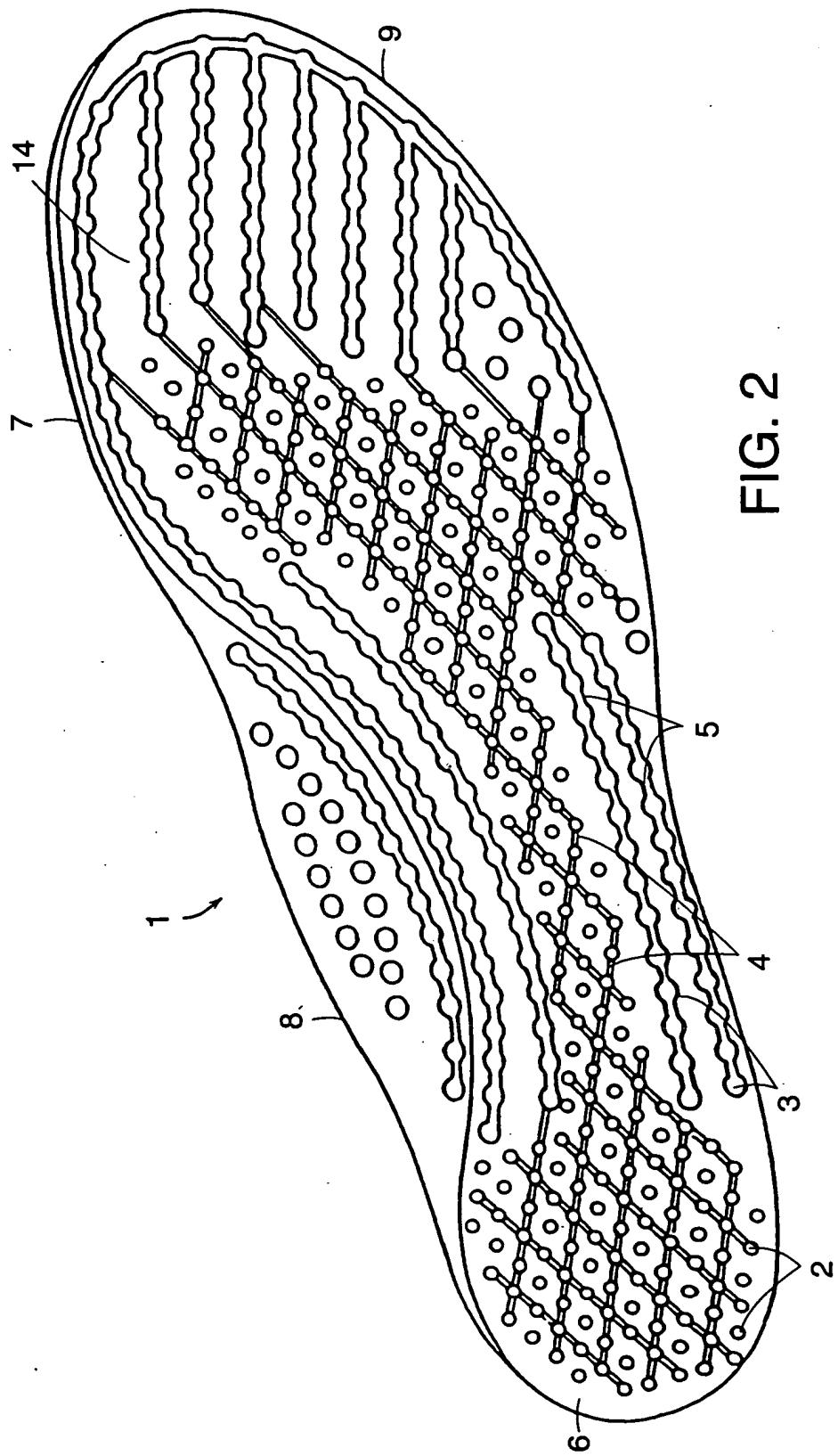


FIG. 1B

JAN 28 2005



OCT 2 E JC172
JAN 28 2005
A 149K OFFICE
149K

4/9

FIG. 3

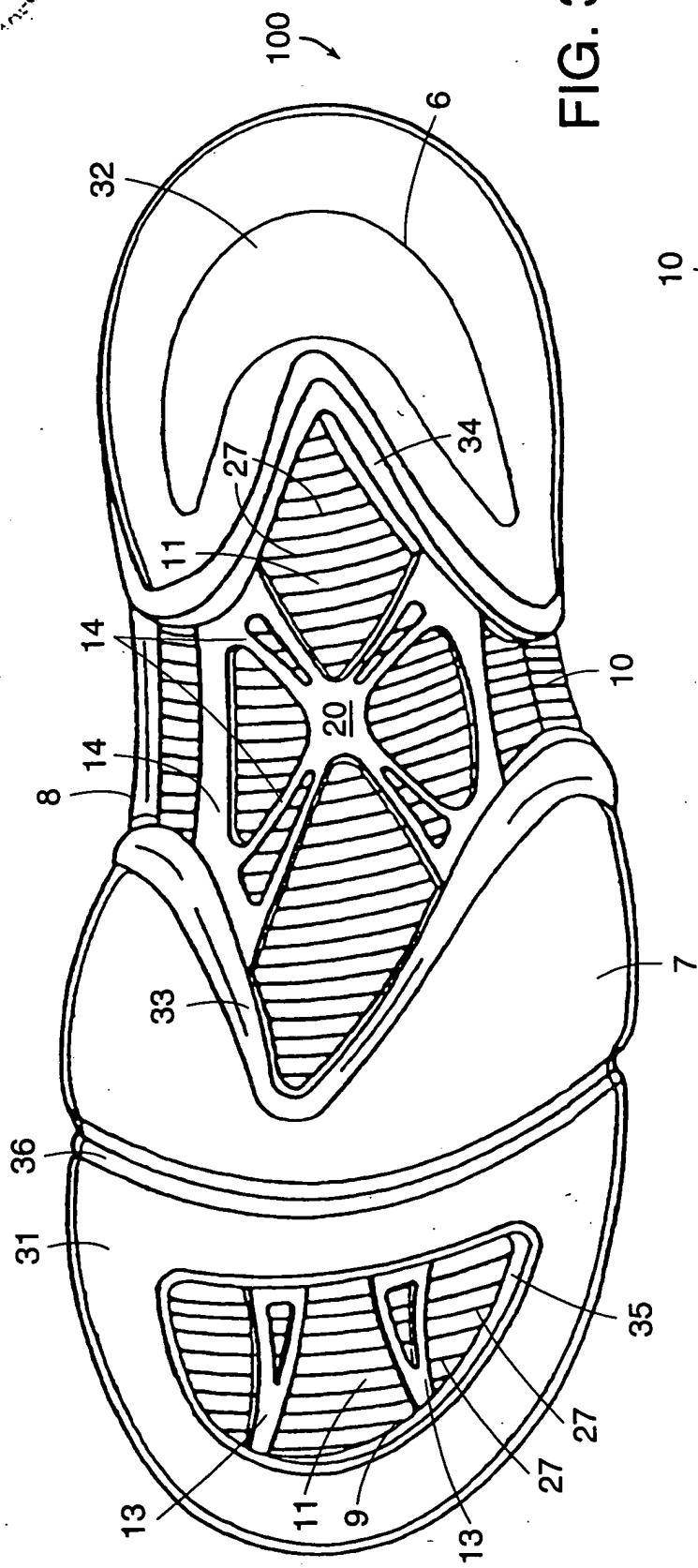
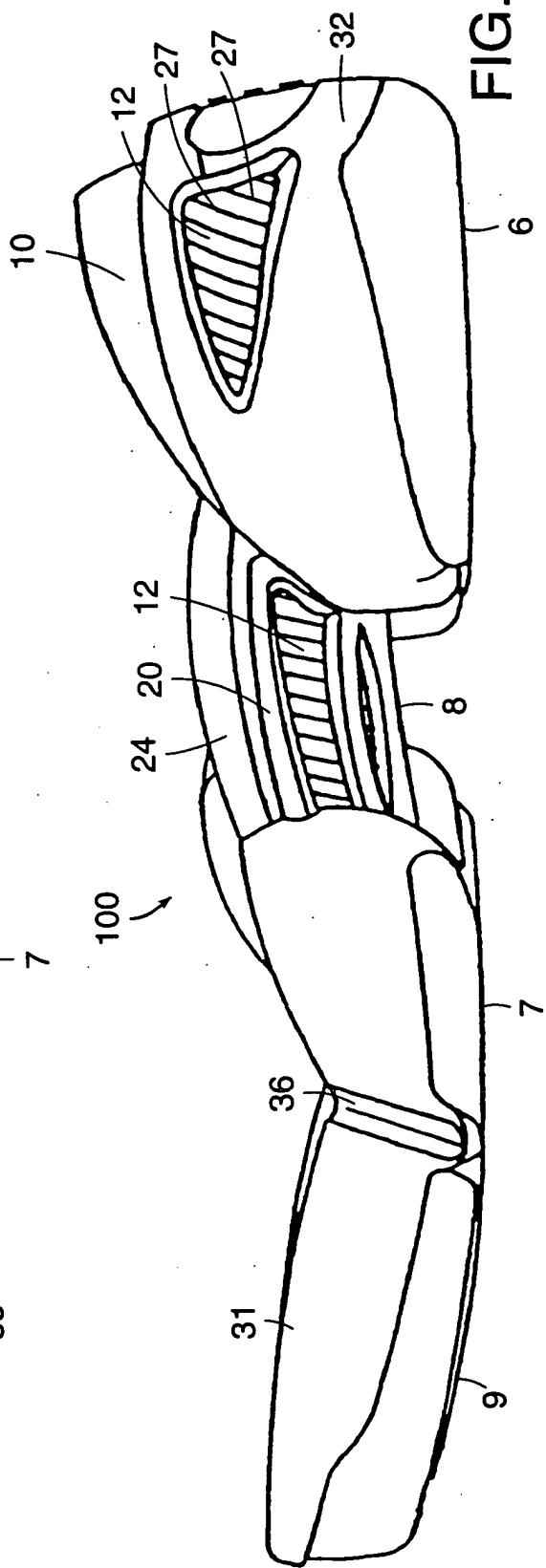


FIG. 4



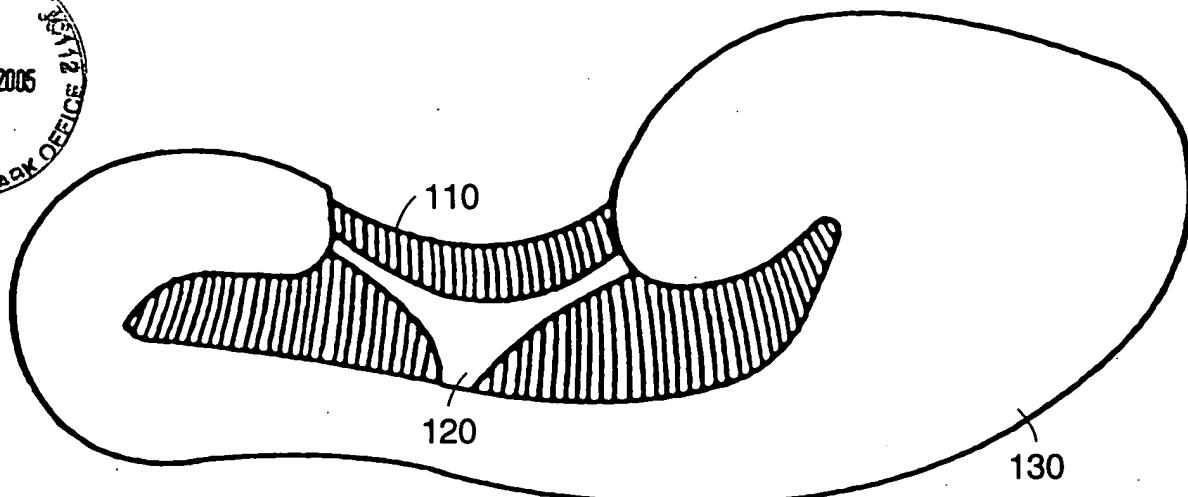
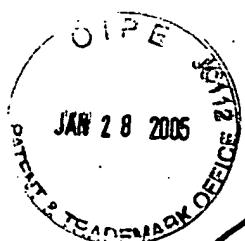


FIG. 5

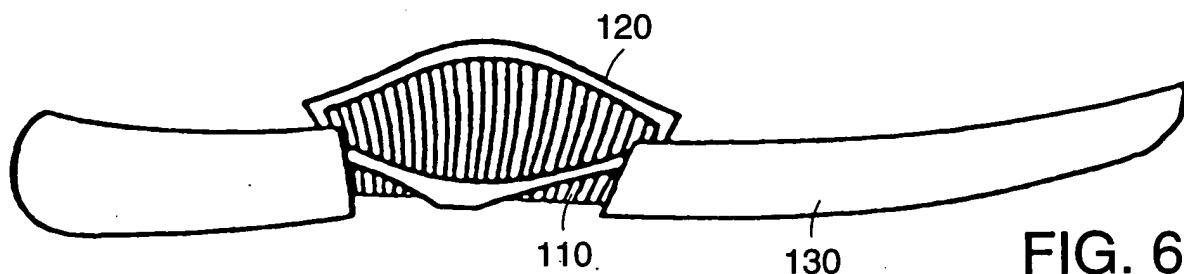


FIG. 6

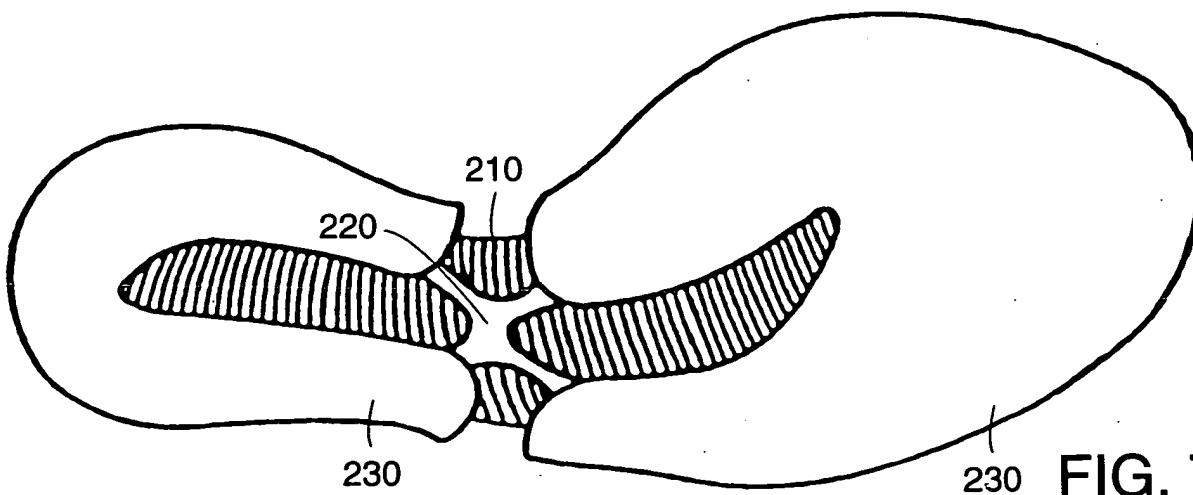


FIG. 7

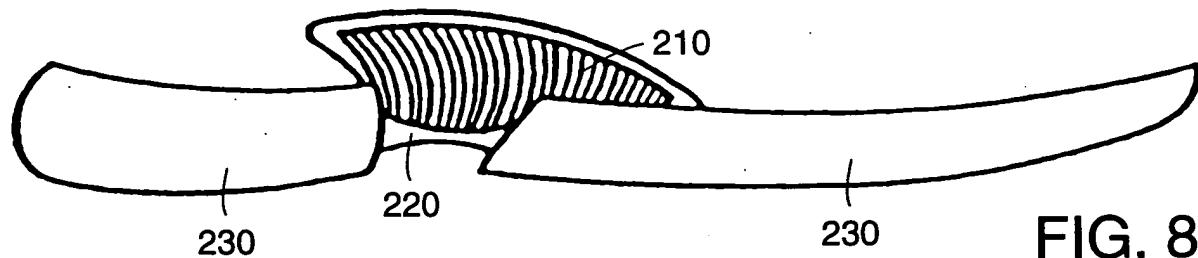


FIG. 8

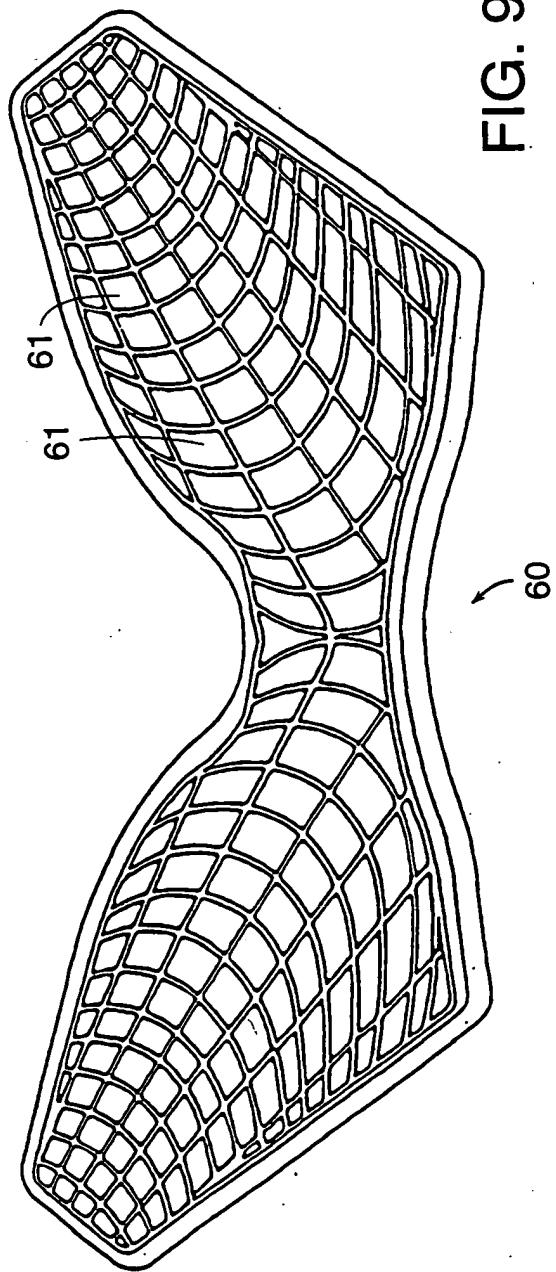


FIG. 9

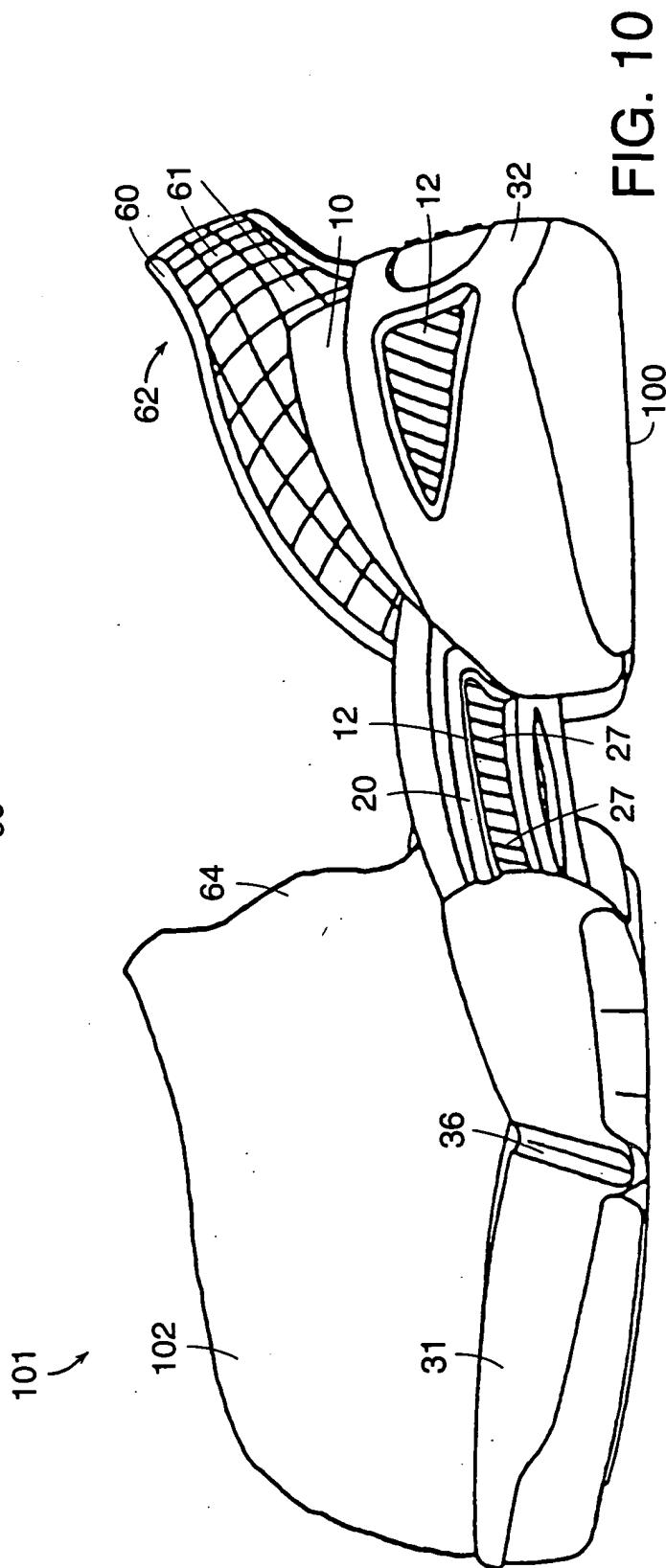
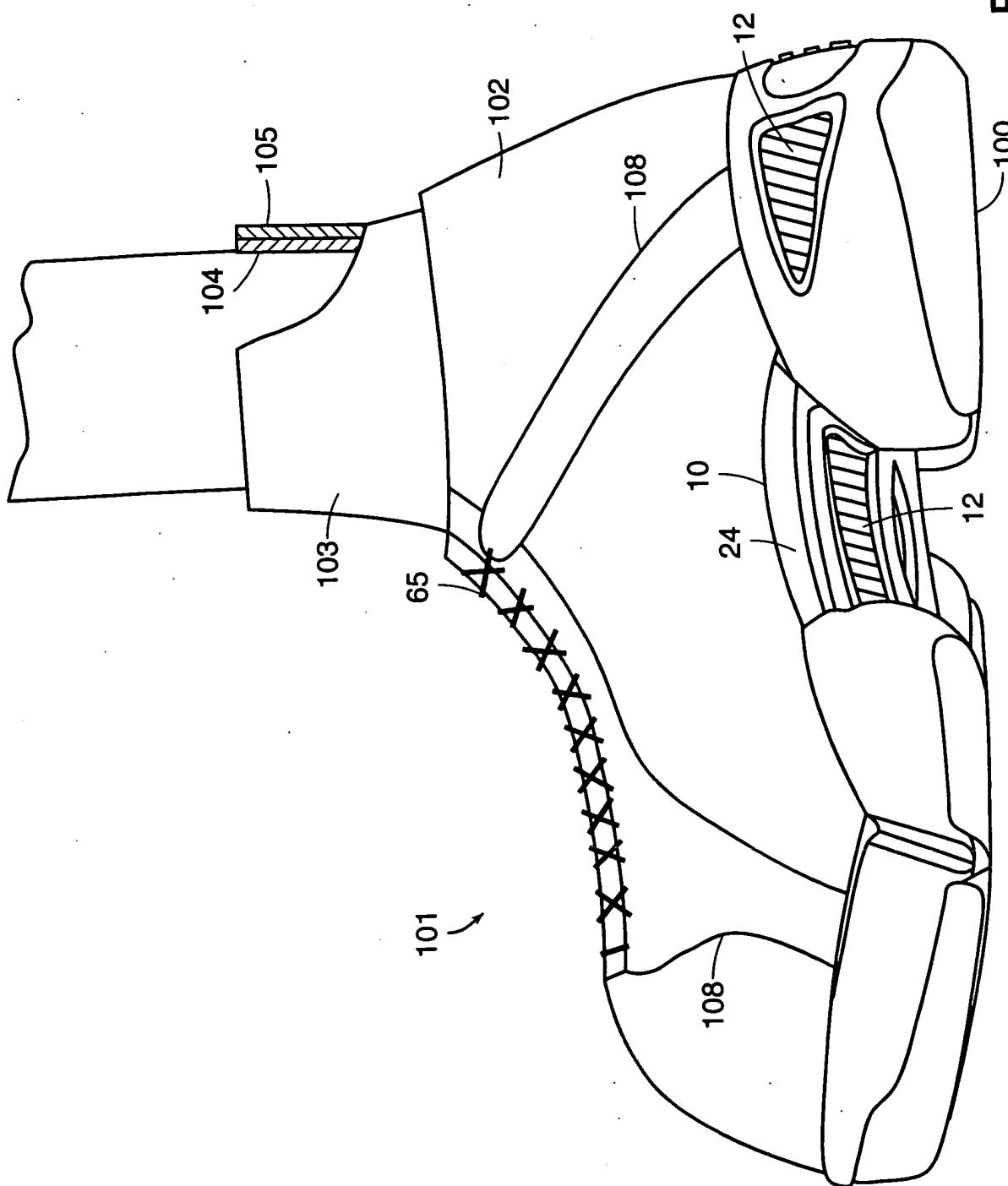


FIG. 10



FIG. 11



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SHOE WITH CLIMATE SOLE

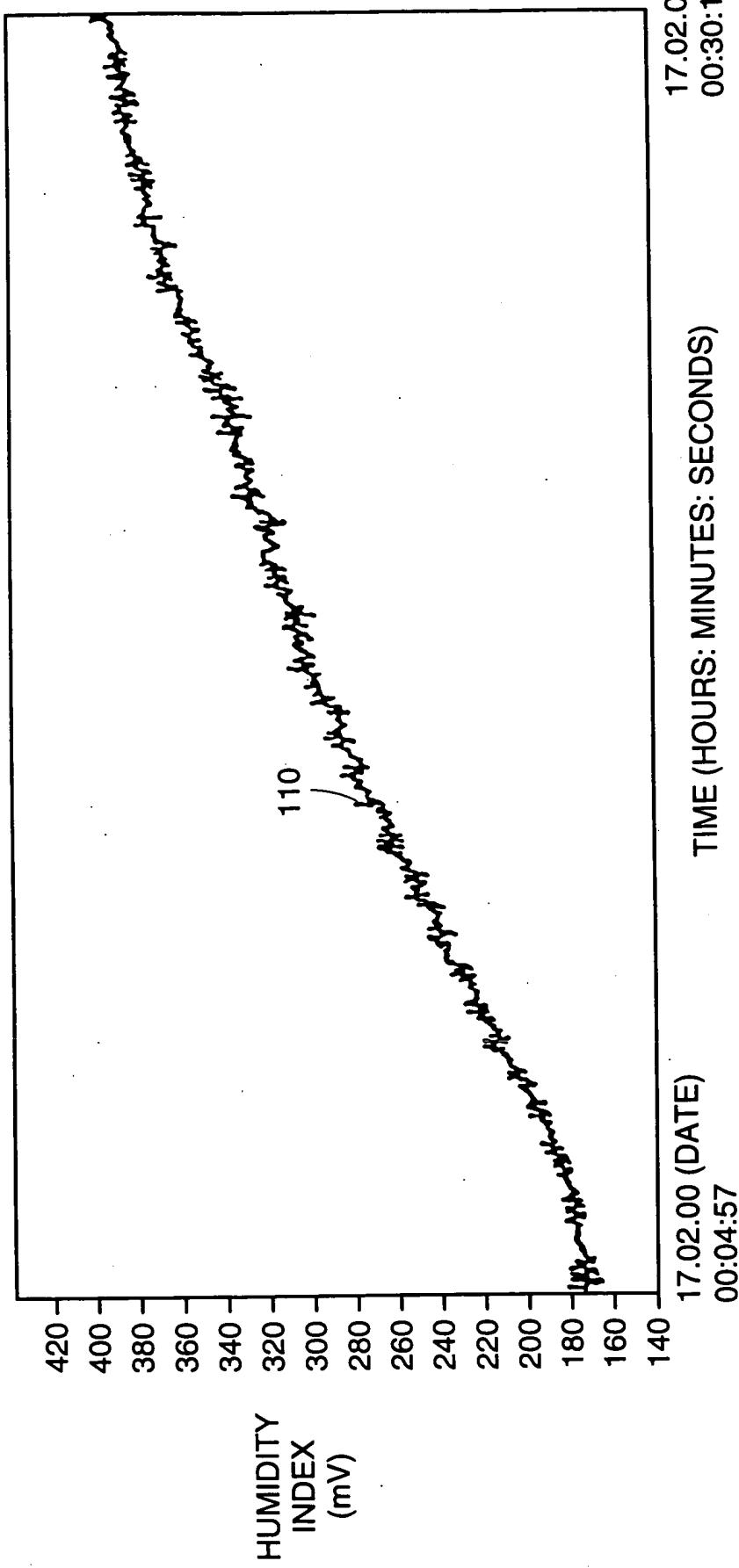


FIG. 12A



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CONVENTIONAL SHOE

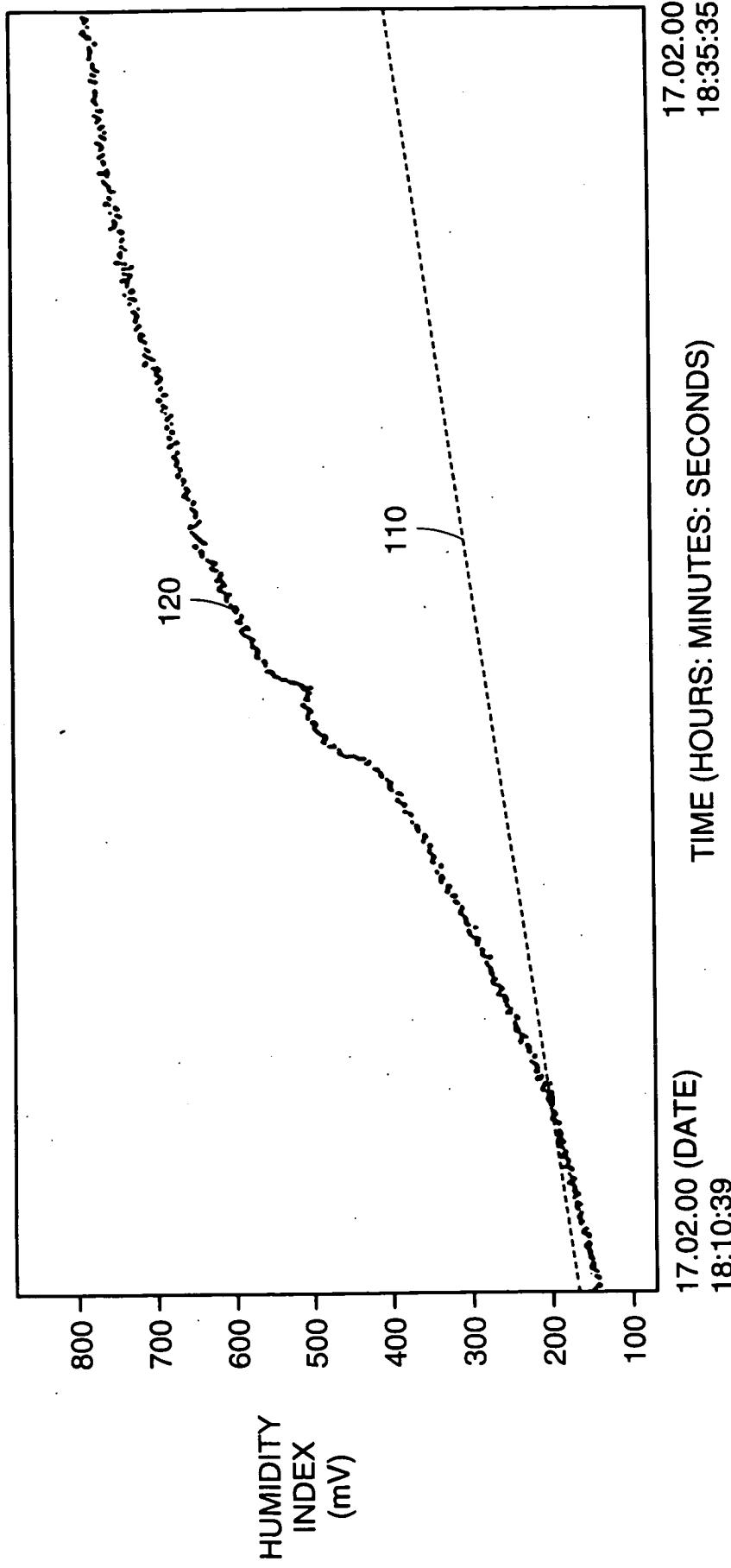


FIG. 12B

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,817,112
DATED : November 16, 2004
INVENTOR(S) : Berger et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, in the Foreign Application Priority Data, delete "100 36 100" and replace with --100 36 100.5--.

On the cover page, in the U.S. Patent Documents section, add the following U.S. patents references:

| | | |
|-----------|---------|----------------|
| 905,617 | 12/1908 | Wood |
| 2,408,792 | 10/1946 | Margolin |
| 2,474,815 | 07/1949 | Brahm |
| 3,273,265 | 09/1966 | Reinert et al. |
| 5,400,526 | 03/1995 | Sessa |
| 5,675,914 | 10/1997 | Cintron |
| 6,041,518 | 03/2000 | Polycarpe |
| 6,389,711 | 05/2002 | Polegato |
| 6,401,364 | 06/2002 | Burt |
| 6,446,359 | 09/2002 | Tomat |

On the cover page, in the Foreign Patent Documents section, delete the reference "0350 511 B1" and replace with --0350 611 B1--.

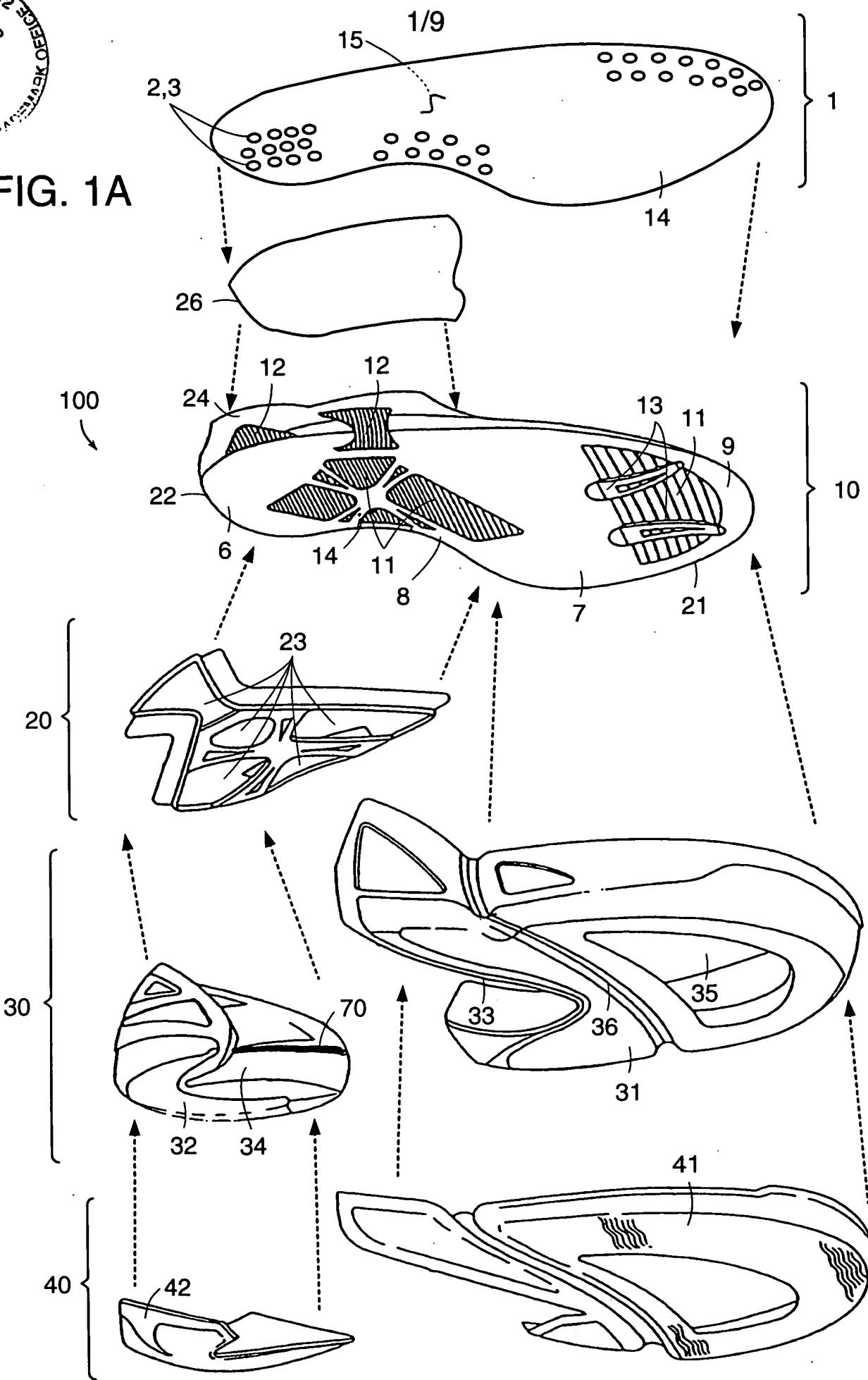
In the drawings, replace the published informal drawings with the attached nine sheets of formal drawings.

MAILING ADDRESS OF SENDER: Patent Administrator
Testa, Hurwitz & Thibeault, LLP
125 High Street
Boston, MA 02110
(617) 248-7000

PATENT NO.: 6,817,112



FIG. 1A



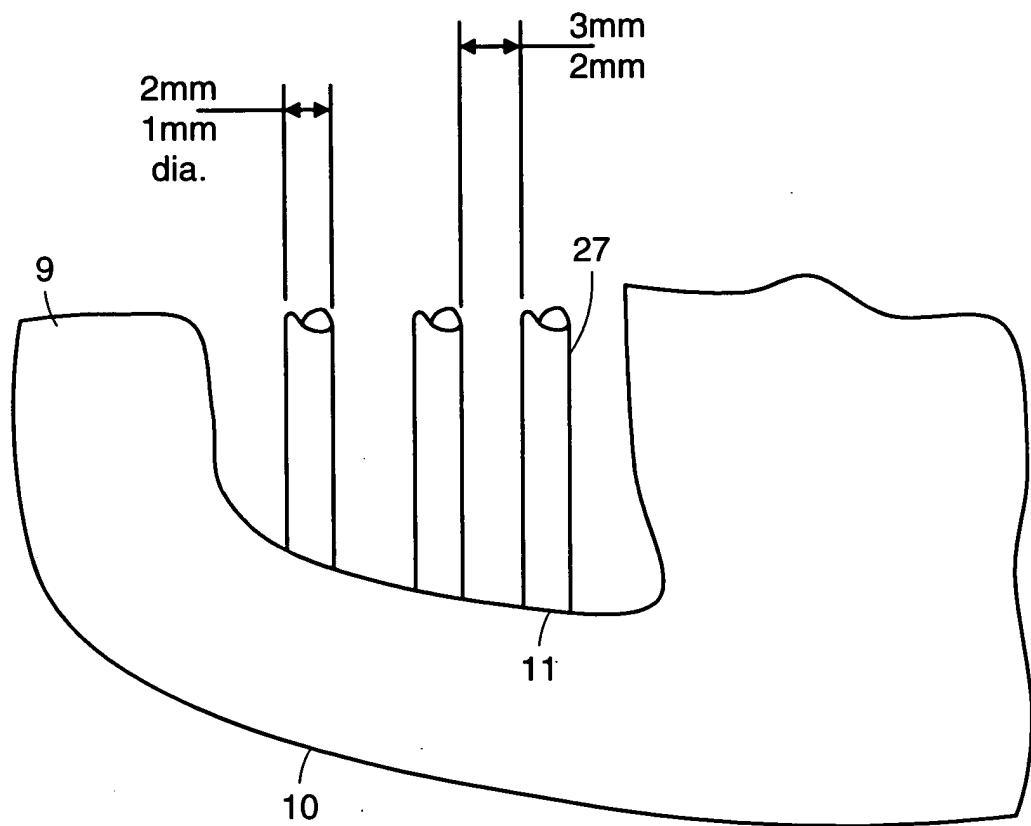


FIG. 1B

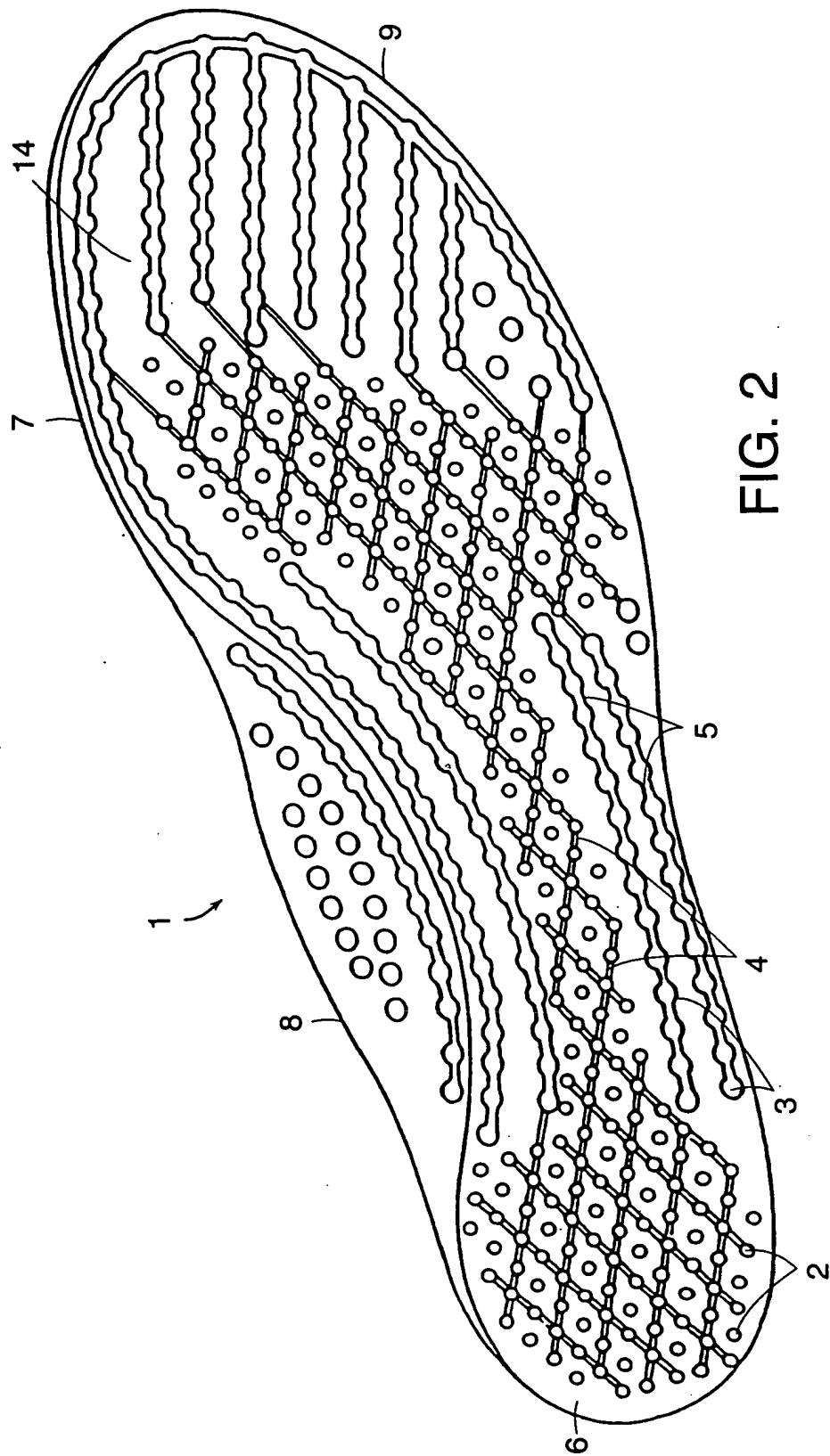


FIG. 2



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FIG. 3

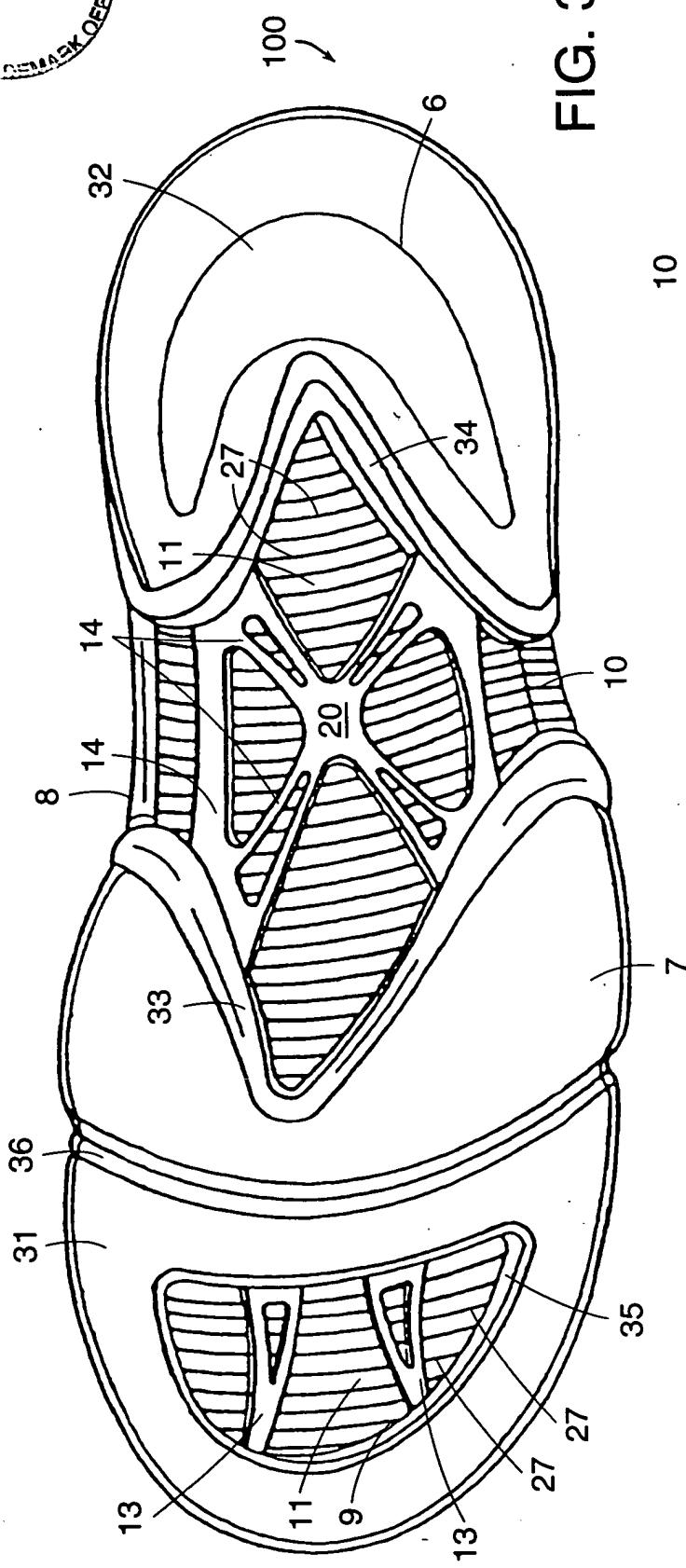
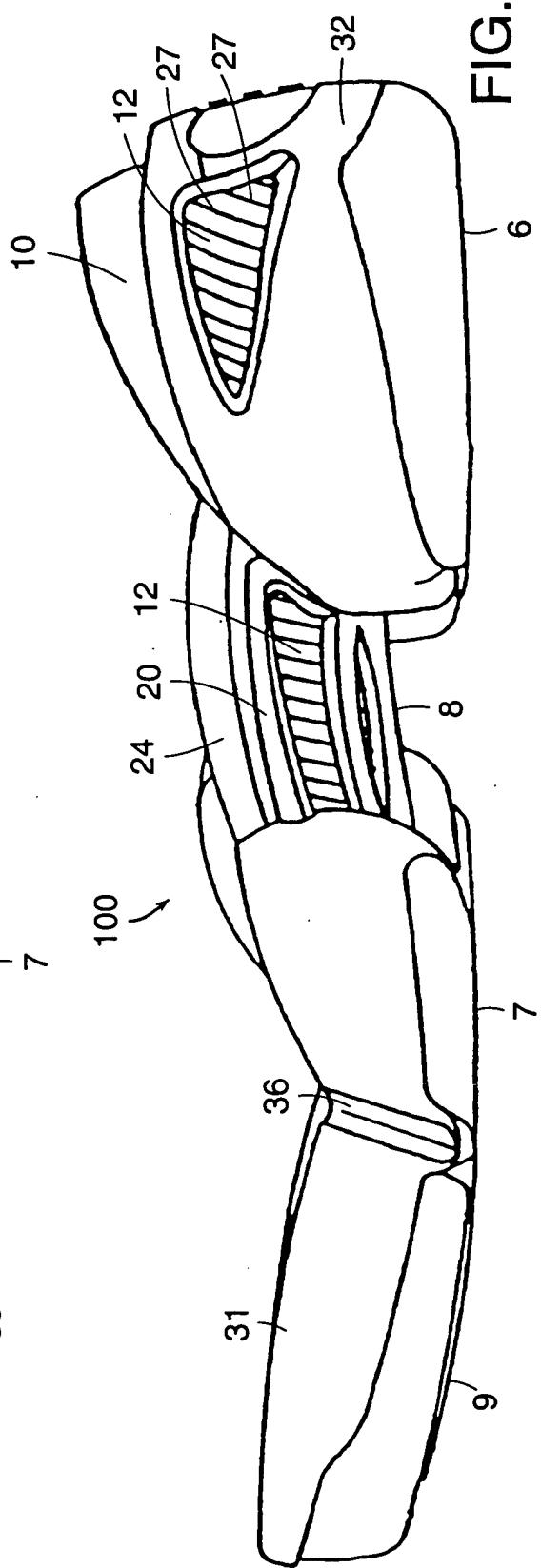


FIG. 4



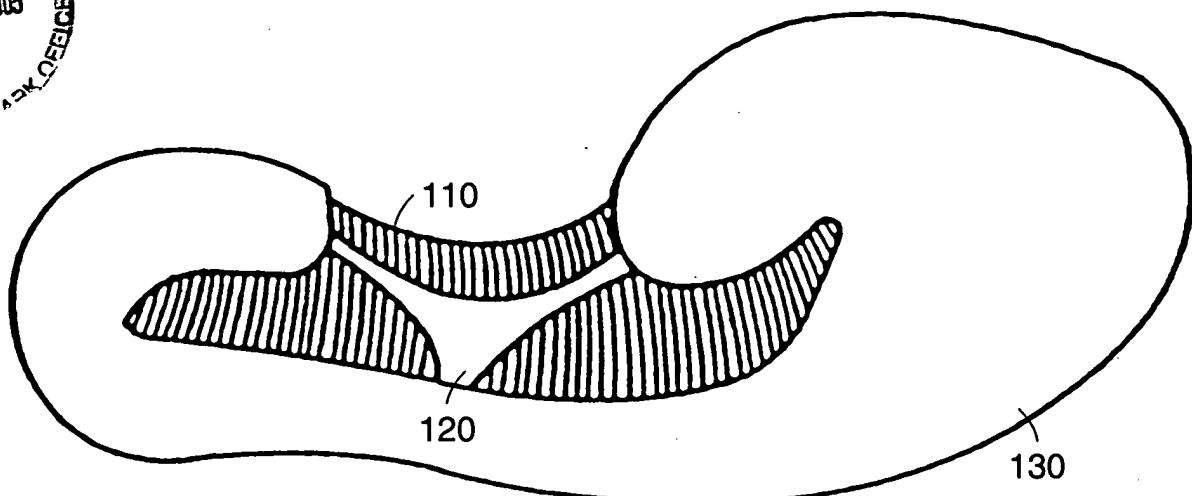


FIG. 5

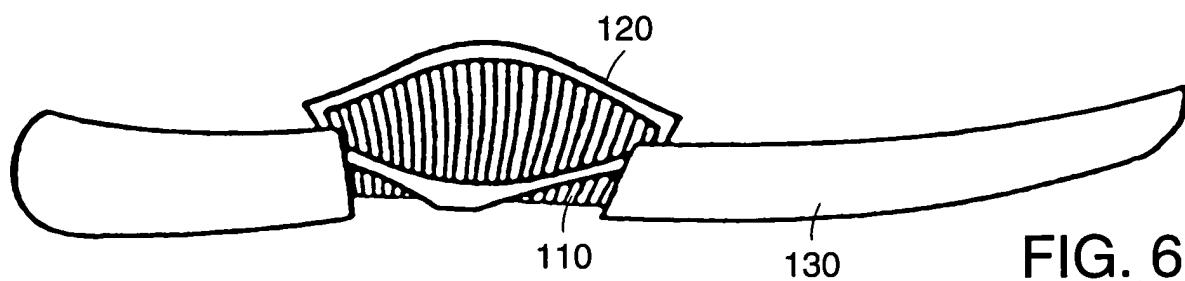


FIG. 6

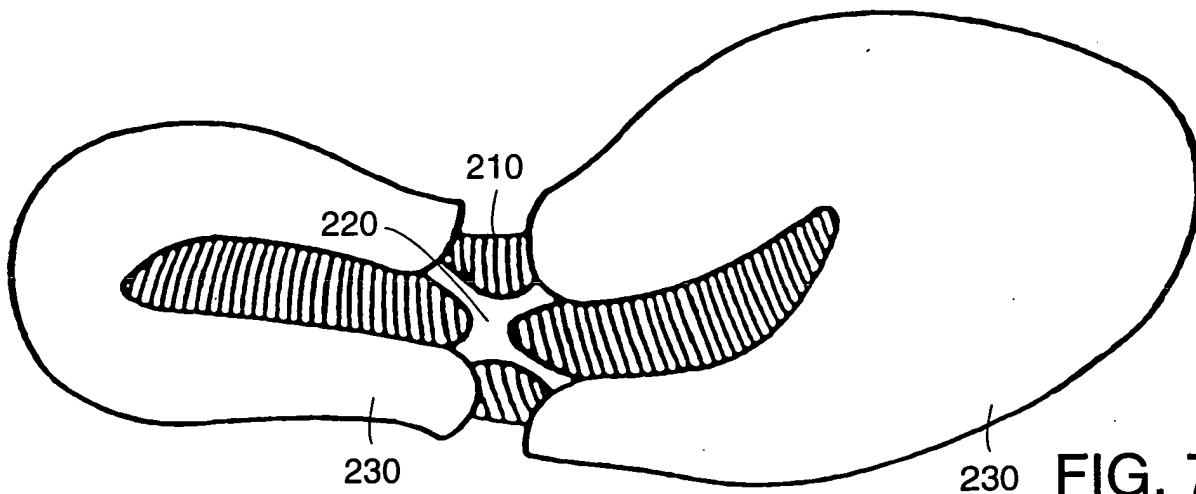


FIG. 7

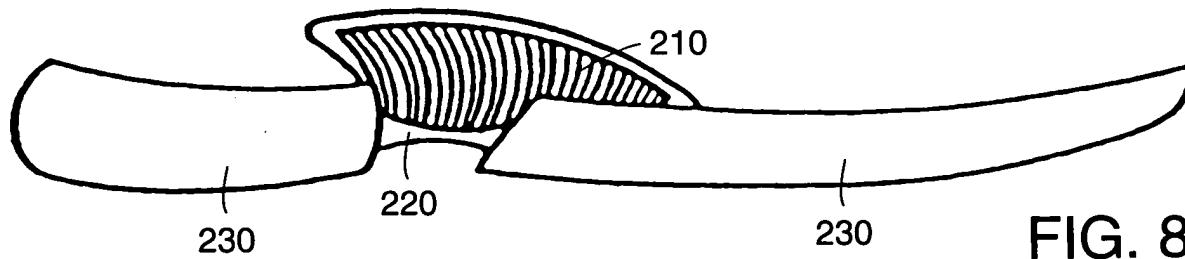


FIG. 8



FIG. 9

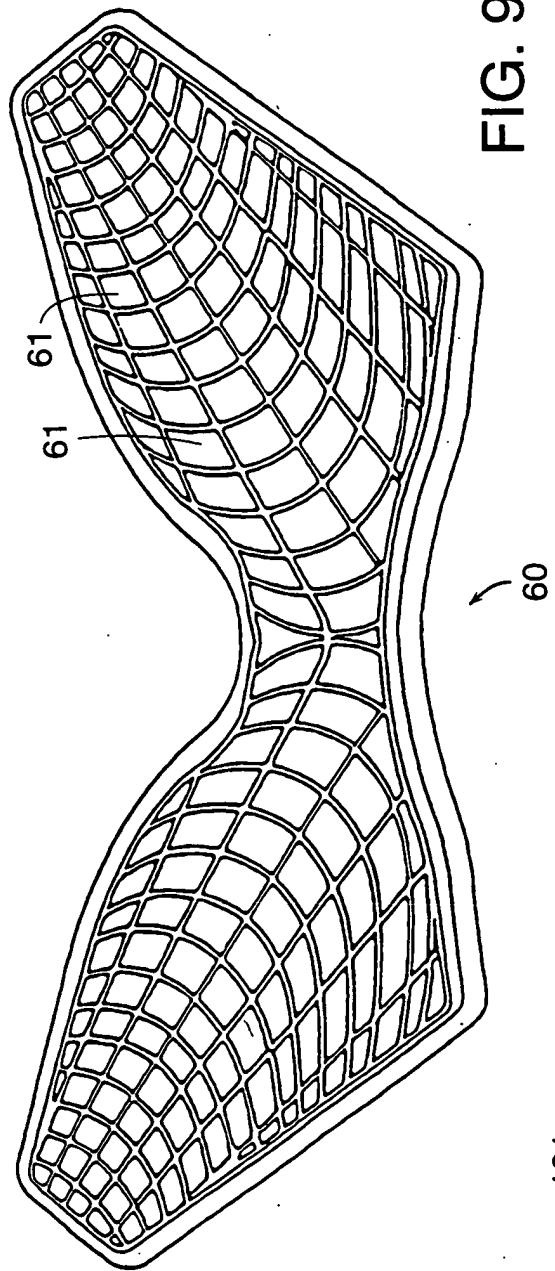
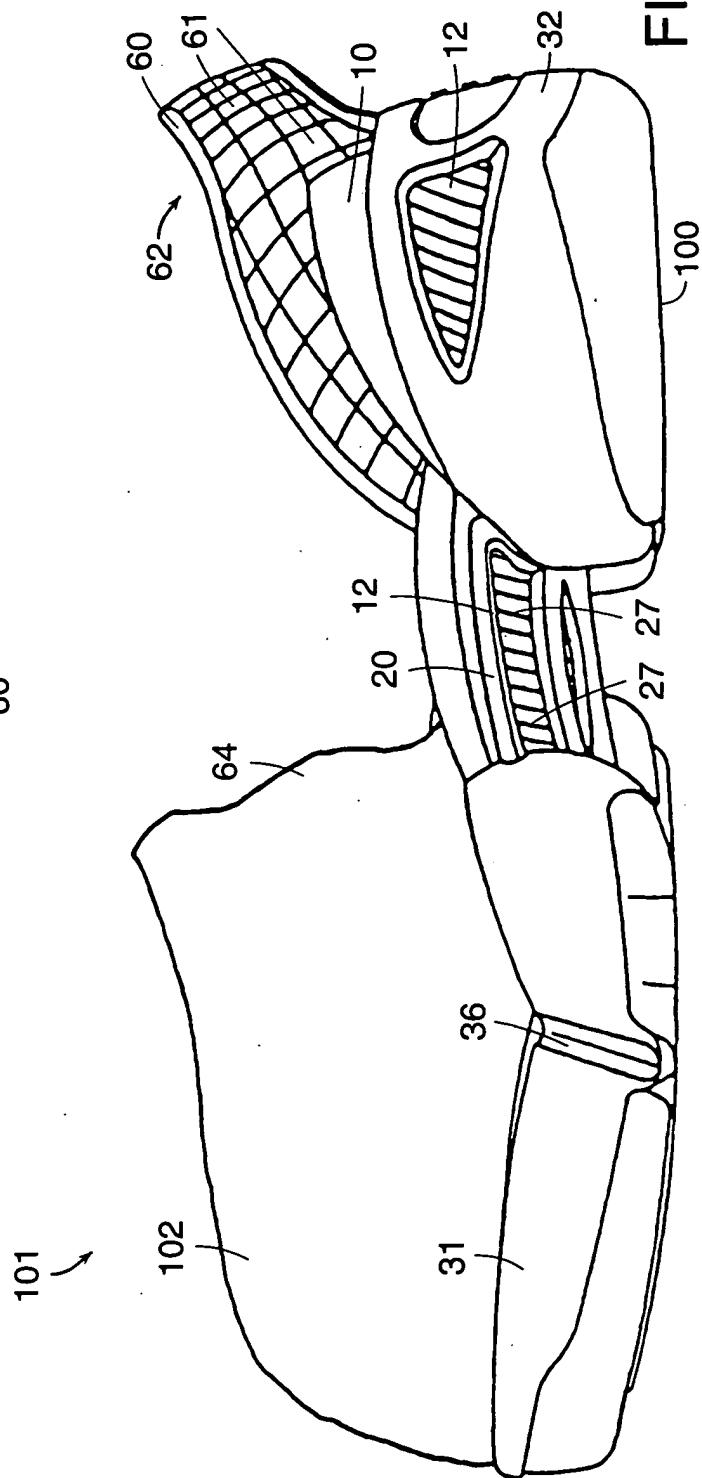


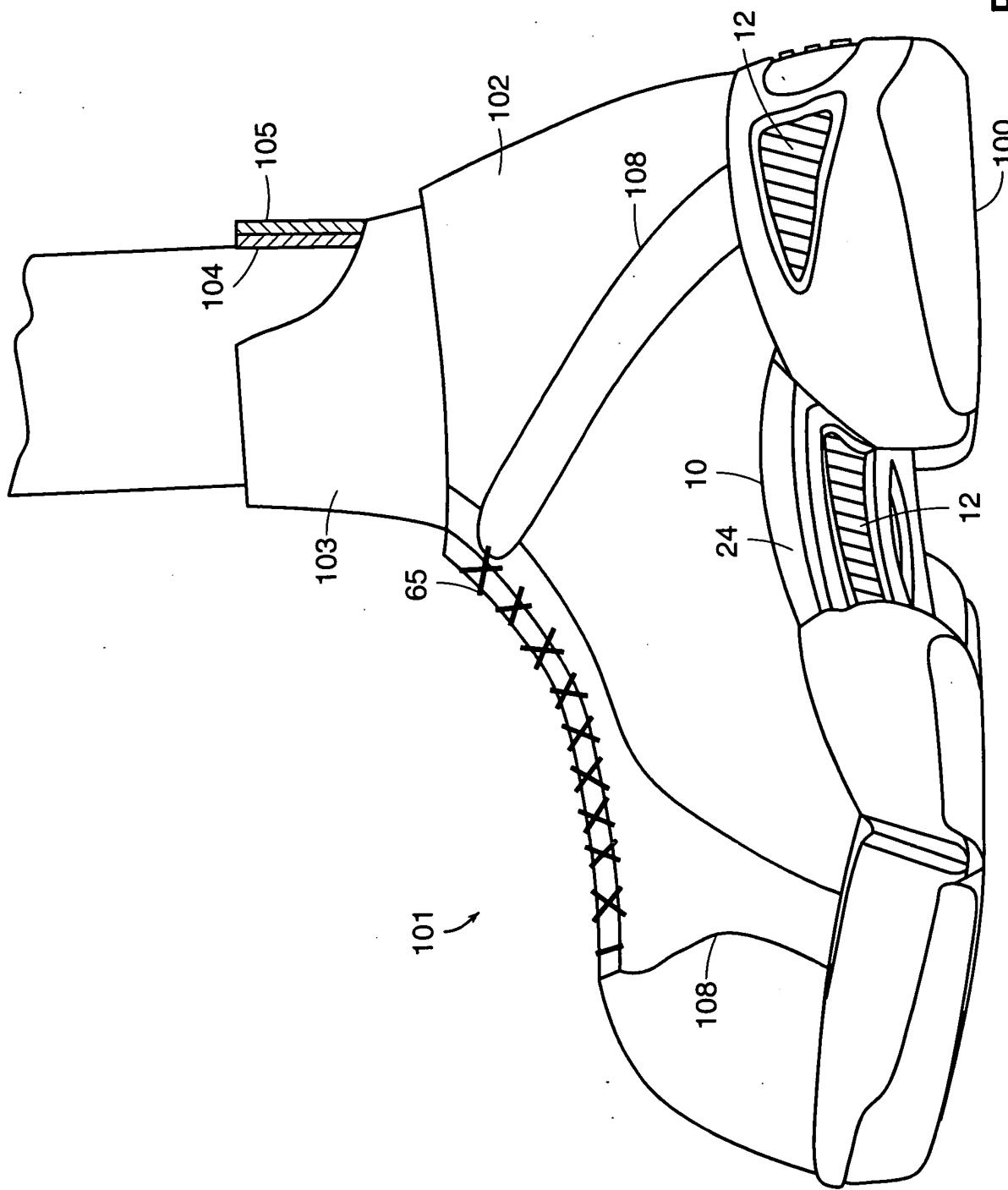
FIG. 10



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FIG. 11



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2005-120-112

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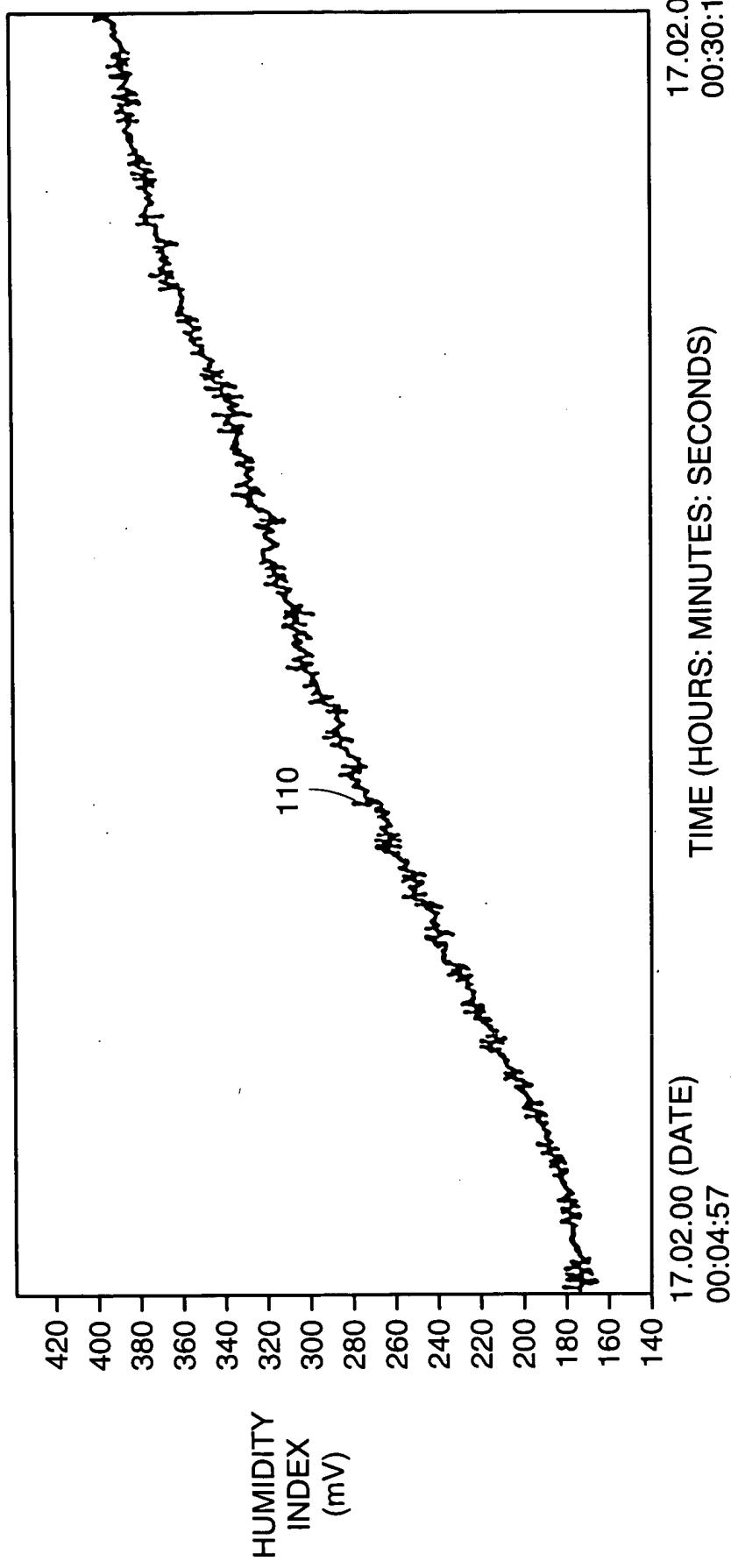
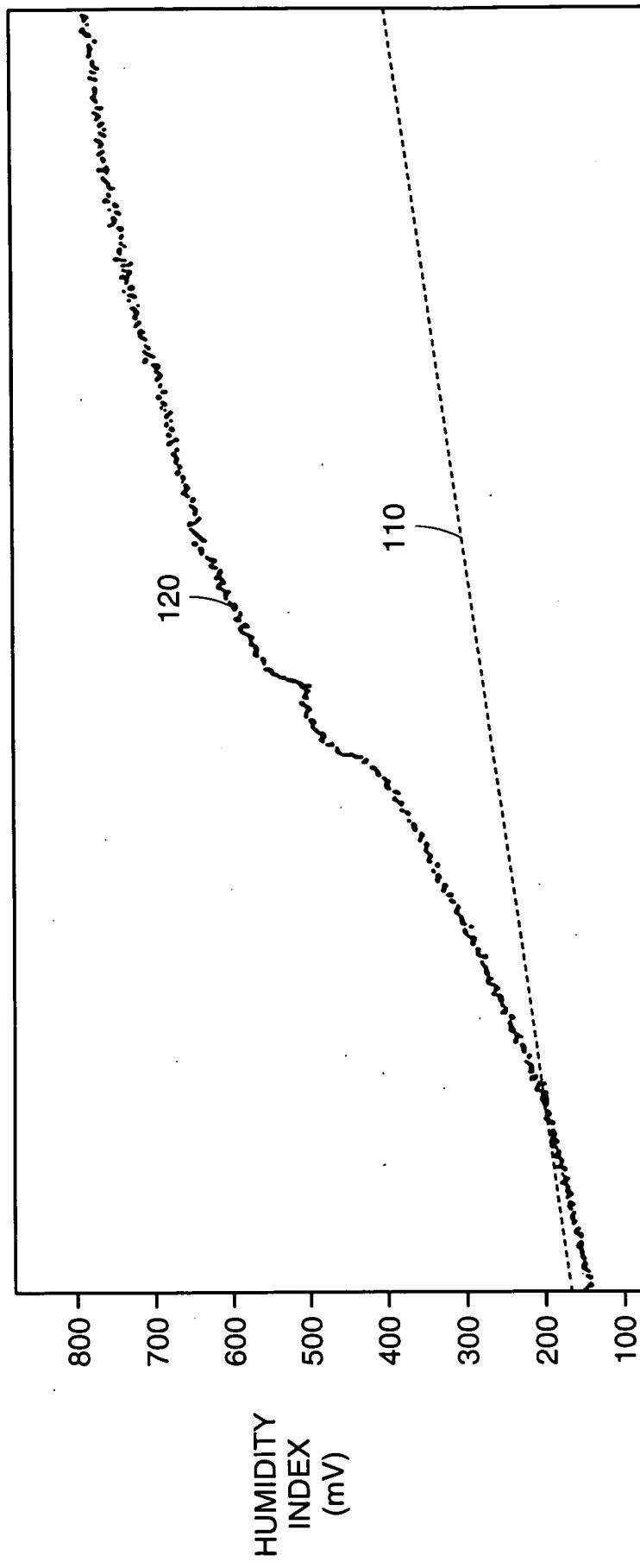


FIG. 12A

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17.02.00 (DATE)
18:35:35

FIG. 12B